

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
:
NICOLE DICKENS et al., *individually and on behalf of* :
all others similarly situated, :
:
Plaintiffs, : 22-CV-4286 (JMF)
:
-v- : ORDER
:
THINX INC., :
:
Defendant. :
:
----- X

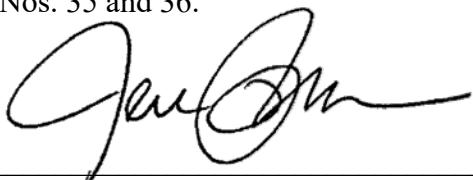
JESSE M. FURMAN, United States District Judge:

On November 28, 2023, the Court preliminarily certified a settlement class, preliminarily approved the settlement agreement, and scheduled a fairness hearing for May 24, 2023. ECF No. 26. On February 24, 2023, Plaintiffs filed a motion for attorney's fees, expense reimbursement, and service awards. ECF No. 39. Any opposition to the motion shall be filed by **April 12, 2023** (the deadline for objections to or exclusions from the settlement); any reply shall be filed by **April 19, 2023**. Additionally, Plaintiffs shall file a motion for final approval of the settlement by **March 22, 2023**; any opposition to such a motion shall be filed by **April 12, 2023**; and any reply shall be filed by **April 19, 2023**.

Additionally, the Court has received five submissions that are styled as objections to the settlement, copies of which are attached as Exhibits to this Order (redacted to remove private medical information and other personal information). In their motion papers, Plaintiffs should address these objections and the submissions at ECF Nos. 35 and 36.

SO ORDERED.

Dated: March 2, 2023
New York, New York



JESSE M. FURMAN
United States District Judge

EXHIBITS

Lesandre Barley
PO Box 1149, 42812 Hidden Mesa Lane, Paonia, CO 81428
970-424-8009 lesandre@gmail.com

United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Objection to Class settlement in Dickens, et al. v. Thinx Inc., Case No. 1:22-cv-4286- JMF

To whom it may concern:

I object to the common fund of this settlement. It should compensate for:

- **all** pairs purchased and retained,
- as well as blood tests for specific per-and polyfluoroalkyl substances (PFAS) named in and pursuant to the suit.

The maximum of \$7 per pair (if receipts provided) is a paltry sum for chronic exposure to PFAS chemicals.

I love Thinx products, and I know that these chemicals are ubiquitous in our environment, but I am terrified and disgusted to know that I have been routinely clothing my genitals and reproductive system in these chemicals for five years!

During that time Thinx overtly bragged to the contrary. See exhibit A, a November 2018 email where Thinx claimed to be sustainable, environmentally-friendly, and conscious.

I purchased and retained 11 (eleven) pairs of Thinx boyshorts between November 12, 2017 and November 26, 2022. Receipts are attached.

| <u>date</u> | <u>order#</u> | <u>qty / item</u> | <u>notes</u> |
|-------------|---------------|-------------------|--------------------------------------------|
| 11/12/2017 | 632379 | 3 med boyshort | exhibit B - claimed online conf # CDNCNK9P |
| 11/29/2018 | 1010476 | 2 med boyshort | exhibit C |
| 12/26/2019 | tri-1505757 | 3 med boyshort | exhibit D |
| 11/26/2022 | tri-3396622 | 3 small boyshort | exhibit E |

Under the current provisions of this settlement, I am only eligible to claim three of the eleven pairs amounting to \$21 instead of \$77.

This settlement should compensate, at least in part, for all pairs purchased and the blood tests for which I will be paying.

Thank you,


Lesandre Barley

EXHIBIT A

Lesandre Holiday <lesandre@gmail.com>

We craft our undies carefully and consciously — see how.

1 message

THINX <service@shethinx.com>
Reply-To: service@shethinx.com
To: lesandre@gmail.com

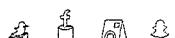
Sun, Nov 18, 2018 at 6:37 AM

false advertising**THINX****ethical, sustainable manufacturing**

We craft our undies carefully and consciously, and we're proud to partner with an award-winning, family-run factory to give you the most innovative solutions for a better period.

Based in Sri Lanka, our manufacturing partner prioritizes female leadership, employee well-being, and environmental sustainability.

See how your THINX are made — and meet the incredible people who make them!

[watch video](#)


THINX • 601 W 29th St, Suite 515, NY 10001

No longer want to receive news from THINX? You can [unsubscribe here](#) or, [manage your email preferences here](#).

Order #632379 confirmed!

1 message

THINX <service@shethinx.com>
To: lesandre@gmail.com

Sun, Nov 12, 2017 at 11:06 AM

**EXHIBIT B already claimed on the
confirmation code CDNCNKSP**

THINX

**you did it!**

You're on your way to period-ing better! Are you excited? (We're
excited!)

billing: , Lesandre Barley, PO Box 1149, 42812 Hidden Mesa
Lane, Paonia, Colorado 81428, United States

shipping: , Lesandre Barley, PO Box 1149, 42812 Hidden Mesa
Lane, Paonia, Colorado 81428, United States

order: #632379 date: 11/12/17

| items | product | qty | total |
|-------|----------------------|----------------|----------|
| | Boyshort - M / Black | 3 | \$105.30 |
| | \$39.00 | \$35.10 | |

*Sale items are not eligible for return or exchange

| | |
|-----------------|-----------------|
| discount | \$-5.26 |
| subtotal | \$100.04 |
| shipping | \$8.00 |
| tax | \$2.90 |
| total | \$110.94 |

for people with periods

You can view your order status and details at shethinx.com/account
any Q's or concerns? contact us at hello@shethinx.com

Order #1010476 confirmed
1 message

THINX <service@shethinx.com>
To: lesandre@gmail.com

Thu, Nov 29, 2018 at 2:04 PM

EXHIBIT C

should be included in settlement!

THINX



you did it!

You're on your way to period-ing better! Are you excited? (We're excited!)

billing: Rub 'n Restore, Inc., Lesandre Barley, PO Box 1149, ,
Paonia, Colorado 81428, United States

shipping: Rub 'n Restore, Inc., Lesandre Barley, 42812 Hidden
Mesa Lane, PO Box 1149, Paonia, Colorado 81428,
United States

order: #1010476 date: 11/29/18

| items | product | qty | total |
|-------|----------------------|---------|---------|
| | Boyshort - M / Black | 2 | \$78.00 |
| | | \$39.00 | |

*Sale items are not eligible for return or exchange

| | |
|-----------------|------------|
| subtotal | \$78.00 |
| tax | \$0.00 |
| shipping | \$5.00 |
| total | \$83.00 US |

for people with periods

you can view your order status and details at shethinx.com/account
Any Qs or concerns? contact us at holy@shethinx.com

Your order #tri-1505757 is confirmed

1 message

Thinx | Thinx (BTWN) | Speax <hello@sheithinx.com>
To: lesandre@gmail.com

Thu, Dec 26, 2019 at 2:01 PM

EXHIBIT D

should be included in settlement!

Hooray!

You did it! Your underwear drawer just got
a leak-proof upgrade.

Shipping

Rub 'n Restore, Inc., Lesandre Barley,
42812 Hidden Mesa Lane, PO Box 1149,
Paonia, Colorado 81428 United States

Billing

Rub 'n Restore, Inc., Lesandre Barley,
42812 Hidden Mesa Lane, PO Box 1149,
Paonia, Colorado 81428 United States

Order

tri-1505757

Date

12/26/19

Thinx:



Boyshort (black)

m / qty 3

\$117.00 \$93.60

Order Summary

| | |
|---------------------|---------------------|
| Subtotal (3 items) | \$93.60 |
| Custom Set Discount | \$23.40 |
| Shipping | \$5.00 |
| CO STATE TAX | \$2.86 |
| Total | \$101.46 USD |

Any Q's? Contact us at hello@sheithinx.com

Thinx • Thinx(BTWN) • Speax

Thinx Inc.

601 W 26 St #515, NYC 10001

Your order #tri-3396622 is confirmed
1 message

Thinx Inc. <hello@shethinx.com>
To: lesandre@gmail.com

Sat, Nov 26, 2022 at 10:19 AM

Should be included in settlement!

Hooray!

You did it! Your underwear drawer just got
upgraded.

Shipping

Lesandre Holiday,
PO Box 1149,
Paonia, Colorado 81428 United States

Billing

Lesandre Holiday,
PO Box 1149,
Paonia, Colorado 81428 United States

| Order # | Date |
|--------------------|----------|
| <u>tri-3396622</u> | 11/26/22 |

Thinx:



Boyshort (black)

s / qty 3

\$114.00 USD

\$57.00 USD

Order Summary

| | |
|--------------------|--------------------|
| Subtotal (3 items) | \$57.00 USD |
| Shipping | \$7.00 USD |
| CO COUNTY TAX | \$1.28 USD |
| DELTA COUNTY | |
| MEMORIAL HOSPITAL | |
| DISTRICT | \$0.52 USD |
| CO STATE TAX | \$1.85 USD |
| DELTA CO PUBLIC | |
| IMPROVEMENT | |
| DISTRICT | \$0.52 USD |
| Colorado Retail | |
| Delivery Fee | \$0.27 USD |
| Total | \$68.44 USD |

January 29, 2023

From: Alison Bender
Naples, Maine

To: US District Court for the Southern District of NY
500 Pearl Street NY, NY 10007

To Whom it may concern,

I'm not sure exactly how this works, but I'm writing to object to a class action lawsuit. The settlement

* NO. 1:22-cv-4286-JMF by Dickens, et al v. Thinx, Inc.

Thinx is a good brand that really changed the game when it comes to period products. It's scary that we live in a world where a lawyer can take an allegation and make a big fat paycheck off a class action lawsuit settlement. I would be embarrassed to participate in this settlement, even though I qualify as a Thinx customer. A happy Thinx customer. I got advertised this settlement on Instagram, which makes it feel especially scammy. I don't need the \$7-\$35 I stand ~~the~~ to be awarded in this suit, this is going to be a big hit to Thinx; I don't know the state of their finances, but I would hate to participate in a settlement that could potentially tank this company and ~~that~~ take this product off the market. I don't know, and I don't really need to know, what kind of evidence the prosecutor has for this case, but I know this case is opportunistic and wrong.

Let's all remember that we should always wash our brand new panties before we wear them because we don't know what touched them before they touched our lady bits, be nice to people, and move on

Thanks for your consideration
- Alison

Objection to Class settlement in *Dickens, et al. v. Thinx Inc.*,

Case No. 1:22-cv-4286- JMF

Miki Takata
3736 Clarke Avenue
Fort Worth Texas 76107
612-345-1549

January 20, 2023

United States District Court
for the Southern District of New York
40 Foley Square
New York, NY 10007

To whom it may concern:

I object to the settlement for the limit of claim to be only 3 underwear of only \$7. I purchased over 12 Thinx Super Hi-Waist Underwear for my elderly mother, Rutsuko Takata, because I thought that they were safe for her. The total of one purchase was \$414.62.

So far, I can only find the receipt of only one purchase but I know that I have purchased underwear from Thinx before that as well.

My mother is incontinent and I wanted to provide for her a safe and comfortable alternative to disposable underwear. The advertisement by Thinx made me think that their products were a safe albeit expensive choice.

My mother recently went to a blood and cancer specialist that showed that she has proteins in her blood that could possibly lead to cancer. I hope that being misled by Thinx marketing is not what has contributed to her possible illness.

I am very disappointed in discovering that Thinx underwear are potentially dangerous and carcinogenic. Enclosed is 1 of the receipt of purchase with this objection.

Sincerely,

Miki Takata



Miki Takata <miki.takata.shiatsu@gmail.com>

Your order #tri-2825363 is confirmed

1 message

Thinx | Thinx (BTWN) | Speax <hello@shethinx.com>
To: miki.takata.shiatsu@gmail.com

Fri, Nov 26, 2021 at 10:29 PM



Hooray!

You did it! Your underwear drawer just got
upgraded.

Shipping

Rutsuko Takata,
3736 Clarke Avenue, ,
Fort Worth, Texas 76107 United States

Billing

Rutsuko Takata,
3736 Clarke Avenue, ,

Order #

tri-2825363

Date

11/26/21

Thinx:



Super Hi-Waist (fig)

s / qty 4

~~\$168.00 USD~~

\$142.80 USD



Super Hi-Waist
(black)

s / qty 4

~~\$168.00 USD~~

\$117.60 USD



Super Hi-Waist
(spicy)

s / qty 4

~~\$168.00 USD~~

\$117.60 USD

Order Summary

| | |
|---------------------|---------------------|
| Subtotal (12 items) | \$378.00 USD |
| Shipping | \$5.00 USD |
| TX STATE TAX | \$23.94 USD |
| FORT WORTH MTA | |
| TRANSIT | \$1.92 USD |
| TX CITY TAX | \$3.84 USD |
| FORT WORTH CRIME | |
| CONTROL | \$1.92 USD |
| Total | \$414.62 USD |

 Unfortunately, we are experiencing delays at our fulfillment center and your package will likely arrive later than expected. Our team is working hard to get your order to you. We apologize for the inconvenience.

Any Q's? Contact us at thinx.customerdesk.io

Menstrual care products including pads, tampons, and similar products used for menstruation, purchased after December 31, 2019 are Flexible Spending Arrangement (FSA), Health Savings Account (HSA), and Health Reimbursement Arrangement (HRA) eligible. As menstrual care products, Thinx and Thinx (BTWN) underwear and re.t.a may now be eligible expenses. Incontinence products, including Speax underwear, are also eligible for reimbursement under these plans. Check with your plan administrator to confirm eligibility under your plan. Note: Menstrual care products and incontinence products are not eligible for reimbursement under limited-purpose FSAs.



Thinx Inc.

1836 Westchester Ave., PMB 3240, The Bronx, New York,
United States

RECEIVED
2023 FEB - 1 AM 10:32
January 25, 2023
CLERK'S OFFICE
U.S. COURT OF APPEALS

Objection to Class settlement in *Dickens, et al. v. Thinx Inc.*, Case No. 1:22-cv-4286- JMF

Hello,

I am writing to argue against the settlement amount awarded to each person who purchased Thinx products from November 12, 2016 to November 28, 2022. Enclosed are receipts for my purchases that total far over the reimbursed amount of \$7.00 per pair. Five pairs of purchased underwear totaled \$163.58. I am writing to object to such a low amount when it is unclear if using their products on a monthly basis caused any harm to the wearer. I am also including a doctor's visit summary notes from my OB-GYN detailing unusual complications that I had after wearing the Thinx underwear.

I am requesting that a higher amount be awarded to all persons who purchased this misleading product to reimburse for the product itself and any unwanted or unusual complications that results from their use.

Enclosed are the receipts from two orders of Thinx products and visit summary notes from my OB-GYN.

Sincerely,



Binita Katheria
6409 Live Oaks Drive
Carlsbad, CA 92009
310-488-6790



Binita Katheria <binitak@gmail.com>

Order #937641 confirmed!

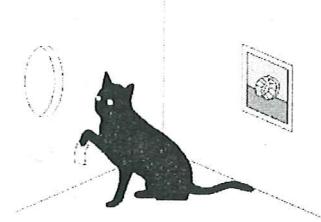
1 message

THINX <service@shethinx.com>
To: binitak@gmail.com

Thu, Sep 6, 2018 at 10:15 PM

RECEIVED
2023 FEB - 1 AM 10:37
CLERK'S OFFICE
U.S. COURT OF APPEALS

THINX

**you did it!**

You're on your way to period-ing better! Are you excited? (We're
excited!)

billing:Binita Katheria, 6409 Live Oaks Dr., Carlsbad,
California 92009, United States

shipping: Binita Katheria, 6409 Live Oaks Dr., Carlsbad, California 92009, United States

order: #937641 **date:** 09/07/18

| items | product | qty | total |
|--------------|----------------|------------|--------------|
|--------------|----------------|------------|--------------|



| | |
|----------------------------|---------|
| Cotton Brief - M / Black 1 | \$30.60 |
|----------------------------|---------|

~~\$34.00~~ \$30.60



| | |
|---------------------------|---------|
| Cotton Brief - M / Grey 1 | \$30.60 |
|---------------------------|---------|

~~\$34.00~~ \$30.60



| | |
|-----------------------------|---------|
| Cotton Bikini - M / Black 1 | \$28.80 |
|-----------------------------|---------|

~~\$32.00~~ \$28.80



| | |
|----------------------------|---------|
| Cotton Bikini - M / Grey 1 | \$28.80 |
|----------------------------|---------|

~~\$32.00~~ \$28.80



| | |
|-----------------|-------------|
| discount | \$-10.00 |
| subtotal | \$108.80 |
| shipping | \$0.00 |
| tax | \$0.00 |
| total | \$108.80 US |

for people with periods

you can view your order status and details at shethinx.com/account
any Q's or concerns? contact us at hello@shethinx.com



Binita Katheria <binitak@gmail.com>

Fwd: Order #1212024 confirmed

1 message

Steven Kuntz <gkuntz@gmail.com>
To: Binita Katheria <binitak@gmail.com>

Wed, Jan 18, 2023 at 9:12 PM

----- Forwarded message -----

From: THINX <service@shethinx.com>
Date: Mon, May 27, 2019 at 11:37
Subject: Order #1212024 confirmed
To: <gkuntz@gmail.com>

THINX

**you did it!**

You're on your way to period-ing better! Are you excited? (We're
excited!)

billing: Binita Katheria, 6409 Live Oaks Dr., Carlsbad
California 92009, United States

shipping: Binita Katheria, 6409 Live Oaks Dr., Carlsbad,
California 92009, United States

order: 5/21/2024 date: 05/27/19

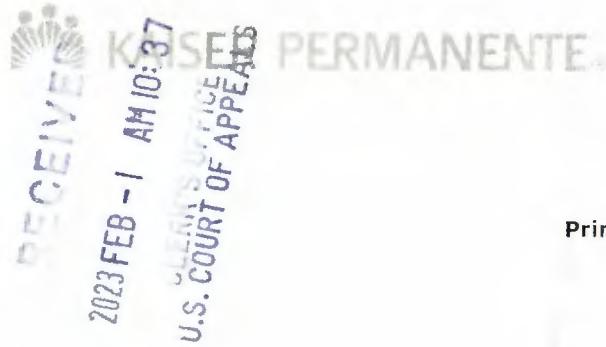
| items | product | qty | total |
|-------------------------------------------------------------------------------------|------------------------------|-----|---------|
|  | Cotton Tank - M / Ocean | 1 | \$23.80 |
| | \$34.00 \$23.80 | | |
|  | Cotton Bikini - M / Ocean | 1 | \$22.40 |
| | \$32.00 \$22.40 | | |

*Items marked as Final Sale are not eligible for return or exchange

| | |
|---------------------------|------------|
| cycle set discount | \$19.80 |
| subtotal | \$46.20 |
| tax | \$3.58 |
| shipping | \$5.00 |
| total | \$54.78 US |

for people with periods

you can view your order status and details at [order tracking](#).
any Q's or concerns? contact us at [customer care](#).



Member name: Binita C Katheria, DDS

Date of birth: [REDACTED] 1981

Gender: F

Primary care physician: KIMBERLY ANN MAXON MD, M.D.

Date printed: 1/18/2023

Notes

Notes

Progress Notes by NAH YONG MOON MD, M.D. at 11/3/2020 9:11 AM

Status: Signed

11/3/2020

Binita C Katheria, DDS [REDACTED]

CC:

Chief Complaint
[REDACTED]
[REDACTED]

- VAGINAL DISCHARGE

The image consists of a series of horizontal black bars of varying lengths, arranged vertically. There are several white gaps of different widths. Small white marks, possibly representing data points or markers, are located at the start and end of some bars. The overall pattern is irregular and suggests a sequence of events or measurements.

Past Medical History:

[REDACTED]

[REDACTED]

[REDACTED]

Date
06/2020

Past Surgical History:

Visit Summary - Kaiser Hermann

Procedure

- NEGATIVE PAST SURGICAL HX

Laterality

Date

No Known Allergies

Recent labs have been reviewed

UCG: neg

Current Outpatient Medications

The timeline diagram illustrates the dispensing and refilling of prescriptions. The timeline is a thick black bar at the top, with various prescription boxes (black rectangles) placed along it. Labels "Dispense" and "Refill" are positioned above the timeline, and the acronym "M.D." is placed near the bottom right.

[REDACTED]

Electronically signed by:
NAH YONG MOON MD
11/3/2020
10:38 AM

Objection to Class settlement in *Dickens, et al. v. Thinx Inc.*, Case No. 1:22-cv-4286- JMF

Melissa Strader
28134 134th Pl SE, Kent WA 98042
707-474-4721

Jan 20, 2023

United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Honorable Judge and Court,

I am writing to submit an objection to the class action case, *Dickens, et al. v. Thinx Inc.*, Case No. 1:22-cv-4286-JMF. As a member of the class who has filed a claim (claim#: LNYKGXKL), I would like to document a strong objection to the terms of the settlement.

I believe that the proposed settlement is extremely unfair. The proposed reimbursement of \$7.00 is unacceptably low in comparison to the cost of the product. I paid \$39/\$38 per item, as my submitted claim documentation shows.

I could understand a small fractional refund if the product were still usable, but this product poses a health risk to individuals who continue to use it, rendering it completely useless. I have already stopped using mine to avoid further exposure to the toxins contained in the product.

Additionally, the product was used for a short period of time before discovering the risk, which means that a large amount of the shelf life of the product has

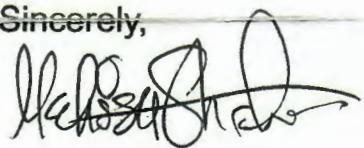
been voided. I purchased the product with the expectation of using it for years, not months.

Therefore, I am requesting that the Court consider a fair reimbursement for the Class members for no less than **50% of the value of the item**, which would be closer to **\$20 per item**.

Furthermore, I believe that this case is at risk of being neglected and subject to gender bias due to the fact that only menstruating people are purchasers of this product. That means the majority are women of childbearing age. They deserve the same due process and fairness as any other person who has been subjected, against their will, to a product that poses a safety risk. A potential loss of livelihood during these critical years of raising a family is nothing to take lightly and the trivial compensation, in my opinion, makes light of the gravity of this product's detrimental impact.

Thank you for taking the time to consider this objection. Consumers deserve the reassurance that their health and safety is protected by our legal system. When I purchase something in the United States, I feel reassured that I have protections as a consumer. I hope you will agree that this is a more appropriate way to reimburse consumers for the negligence of bringing a harmful product into the consumer market.

Sincerely,



Melissa Strader